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Unsecured Creditors*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

NEW ENGLAND MOTOR FREIGHT, INC.,
et al.,

Debtors.¹

Chapter 11

Case No. 19-12809 (JKS)

(Jointly Administered)

**JOINDER OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO
OBJECTION OF UNITED STATES FIRE INSURANCE COMPANY TO MOTION OF
CREDITORS BYRON E. NAJERAOSORIO, XIOMARA MENDOZA-LOPEZ, AND
ABEL TROCHEZ FOR LEAVE TO FILE A LATE PROOF OF CLAIM**

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

The Official Committee of Unsecured Creditors (the “Committee”) appointed in the Chapter 11 Cases (defined below) of the above-captioned debtors and debtors-in-possession (the “Debtors”), by and through its undersigned counsel, hereby submits this joinder (the “Joinder”) to the objection (the “Objection”) [Docket No. 1145]² filed by United States Fire Insurance Company to the motion for leave to file a late proof of claim (the “Motion”) [Docket No. 1098] filed by Byron E. Najera Osorio, Xiomara Mendoza-Lopez and Abel Trochez (collectively, the “Movants”). In support of this Joinder, the Committee respectfully states as follows:

JOINDER

The Movants clearly have not met their burden³ of establishing that their failure to timely file proofs of claim was the result of “excusable neglect.” Nor can they. The Movants admit in their Motion that they received notice of the Debtors’ bankruptcy filing on March 11, 2019 and received notice of the Bar Date by no later than June 3, 2019—over two weeks prior to the Bar Date of June 18, 2019. Rather than provide any valid reason for their delay, the Movants merely argue that the Motion should be granted because the Debtors were aware of their claims prior to the bankruptcy filing and the Movants had communications with the Debtors and/or their insurance carrier regarding the claims. If this were a valid basis for granting leave to file a late proof of claim, then nearly every claimant whose claim is listed on a debtors’ Schedules of Assets and Liabilities or who had contacted a debtor during its bankruptcy case regarding their alleged claims would be able to satisfy the “excusable neglect” standard—an absurd result that should not be permitted by this Court.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Objection.

³ See *In re Trump Taj Mahal Associates*, 156 B.R. 928, 936 (Bankr. D.N.J. 1993).

CONCLUSION

For the foregoing reasons, and those set forth in the Objection and the Debtors' joinder thereto [Docket No. 1146], the Committee respectfully submits that the Court must deny the Motion.

Dated: January 30, 2020

Respectfully submitted,

LOWENSTEIN SANDLER LLP

/s/ Joseph J. DiPasquale

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